State of Oregon

 DEPARTMENT OF ENVIRONMENTAL QUALITY

**Relationship to Federal Requirements**

**Small and mid-size boiler amendments**

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***Answers to the following questions identify how the proposed rulemaking relates to federal requirements and the justification for differing from, or adding to, federal requirements. This statement is required by OAR 340-011-0029(1).***

**1. Is the proposed rulemaking different from, or in addition to, applicable federal requirements? If so, what are the differences or additions?**

Yes, the proposed rulemaking is different from and in addition to applicable federal requirements.

The proposed rules would require boilers subject to 40 CFR part 63, subpart DDDDD or subpart JJJJJJ that do not require air quality permits from DEQ to register with DEQ. The proposed rules would exempt those boilers from DEQ’s Heat Smart program under OAR chapter 340, division 262. Among other things, registration would require verification of compliance with existing state and federal emissions standards.

**2. If the proposal differs from, or is in addition to, applicable federal requirements, explain the reasons for the difference or addition (including as appropriate, the public health, environmental, scientific, economic, technological, administrative or other reasons).**

The proposed rule necessary

For boilers below one million British thermal units per hour heat output, registration would:

* limit exemptions from Oregon’s Heat Smart regulations to boilers that meet all other emission standards and to commercial, institutional and industrial boilers subject to federal air toxics standards, and
* include testing to verify compliance.

For other non-permitted boilers in the range of one to 10 million British thermal units per hour heat output, registration would ensure compliance with existing emission standards.

**3.****If the proposal differs from, or is in addition to, applicable federal requirements, did DEQ consider alternatives to the difference or addition?**  **If so, describe the alternatives and the reason(s) they were not pursued.**

DEQ analyzed exempting small boilers from Oregon’s Heat Smart requirements without registration. DEQ rejected this alternative because it could lead to noncompliance and impacts on residences and schools. DEQ also considered requiring permits instead of registration. This alternative imposed an administrative burden and greater costs to operators and DEQ. DEQ considered addressing only those boilers with heat output capacities under one million British thermal units per hour, however, this option would not enable DEQ to verify compliance with emissions standards for mid-sized commercial, industrial and institutional boilers. DEQ believes the proposed rule is the best approach to capturing the universe of solid fuel burning boilers that are currently not permitted in Oregon.